

STATEMENT SUMMARIZING INTERVIEW

In the Final Office Action, Claims 40, 41, 44, 50, 51, 54, 60, 64 and 65 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,930,553 (Hirst) and U.S. Patent No. 6,113,208 (Benjamin). This rejection is respectfully traversed, as discussed below.

Applicants and their undersigned attorney thank Examiner Rudolph for his courtesies and thoughtful treatment afforded during an interview conducted by telephone on January 12, 2009. Also present at the interview was Supervisory Examiner Mark Zimmerman. Applicants' Statement of the substance of the interview follows.

At the interview, it was agreed that the applied art does not disclose selecting control software for distribution depending on whether operation information indicates an amount exceeding a first predetermined amount or a second predetermined amount which exceeds the first amount. As a consequence, the USPTO Examiners agreed that the claims recite subject matter that would not have been obvious based on the art now of record.

Accordingly, a new search will be conducted, and a Notice Of Allowance will issue if no rejections remain in the application.

In light of the agreement reached during the interview, the entire application is believed to be in condition for allowance, and Applicants respectfully request same.

No fees are believed to be due; however, should it be determined that additional fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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FCIS_WS 2773237v1